




FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: The Commission

FROM: Marjorie W. Emmons/Bonnie J. Ross 
Secretary of the Commission

DATE: September 10, 1996

SUBJECT: Timely Submitted Comment from Brand, Lowell
& Ryan on Draft Advisory Opinion 1996-25.
This is on the Agenda for Thursday,
September 12, 1996.

The attached document is being circulated for your information.

Attachment

3 Pages

BRAND, LOWELL & RYAN

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BRAND, LOWELL & RYAN

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September 10, 1996

**BY FACSIMILE --
ORIGINAL BY FIRST CLASS MAIL**

Commission Secretary
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Requester's Comments to Further Revised Draft Advisory Opinion
1996-25

Dear Madam Secretary:

We represent the Seafarers Political Activity Donation ("SPAD"), the separate segregated fund of the Seafarers International Union ("SIU").

We respectfully submit the following very brief comments to the above-captioned further revised draft advisory opinion dated September 5, 1996, a copy of which we received yesterday and which is scheduled for Commission review on September 12.

The further revised draft, at page 7, inappropriately persists in concluding that a separate segregated fund derives no "safe harbor" from complying with the Commission's "best efforts" regulations. Specifically, the advisory opinion would require the separate segregated fund to turn around and search the files of its connected organization for contributor information if its compliance with the "best efforts" rule failed to yield all the relevant contributor information. SPAD has fully addressed this issue in correspondence dated June 26, 1996 (part 4), July 24, 1996 (part 3), and August 15, 1996 (footnote 2). Both corporate and labor organization commenters have also taken issue with the draft A.O.'s conclusion in previous rounds of comments.

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Additionally, while this point is not relevant if the Commission appropriately treats its "best efforts" rule as a "safe harbor" for SPAD, we must, once again and for the record, take issue with further revised advisory opinion's denigration, now at footnote 12, of SPAD's repeated explanation that it is not practicable for SPAD to obtain missing employer information from the SIU, SPAD's connected organization.

Thank you very much for consideration of our comments.

Sincerely,

BRAND, LOWELL & RYAN, P.C.

A handwritten signature in black ink, appearing to read "David E. Frulla", with a long horizontal flourish extending to the right.

David E. Frulla

DEF/mtl